

S009141

2004, 2005, 2006

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **BERTHA WRIGHT BERTILLION TRUST**

Smart Family Trust

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
ELIZABETH BERTILLION SMART
1200 44TH ST
SACRAMENTO, CA 95819

STATEMENT NO.: **S009141**
CONTACT PHONE NO.: (916) ~~323-1950~~

456-2314

Source Name: **WOODRUFF CREEK**
Tributary To: **NORTH YUBA RIVER**
County: **Sierra**

Year of First Use: **1852**

Parcel Number:

Diversion Within: 1/4 of NW 1/4 Section 8 T19N, R10E, MB&M

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☒ Other (explain): *Appropriative - Water Co.*

B. **Year of First Use:** (Please provide if missing above) _____

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons *unknown* Million Gallons (MG) *unknown* Acre-feet (AF) *unknown* Other *unknown*

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004													<i>unknown</i>
2005													<i>unknown</i>
2006													<i>unknown</i>

D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation ☒ acres; Stockwatering _____; Domestic ☒ _____

Other (specify) *(Water Company)*

E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.) *No changes.*

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water *N/A*

a. Are you now employing water conservation efforts? YES _____ NO _____
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved: *N/A*

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

N/A

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ____ NO ____.

3. Conjunctive use of surface water and groundwater

N/A

- a. Are you now using groundwater in lieu of surface water? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ____ NO ____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 10 April, 2007 at Sacramento, California

SIGNATURE: _____

PRINTED NAME: Elizabeth (first name) Bertillon (middle initial) Smart (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
	all uses are as in past reports

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

S009141
2006, 2007, 2008

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Owner(s) of Record:

~~BERTHA WRIGHT BERTILLION TRUST~~

Elizabeth Bertillion Smart (415097)

Primary Contact:
ELIZABETH BERTILLION SMART
1200 44TH ST
SACRAMENTO, CA 95819

Phone No. 916-323-1950

Fax No.

E-mail Address:

Agent:

Address:

Phone No.

Fax No.

E-mail Address:

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2009

Source Name: WOODRUFF CREEK

Tributary To:

County: Sierra

Diversion within: 1/4 of NW 1/4 Section 8, T 19 N, R 10 E, MDB&M

Year of First Use: 1852

Name of Diversion works:

Assessor Parcel Number
of the Diversion site:

A. **Water is Used Under:** Riparian claim ___ Pre-1914 claim ___ Court Decree No.: ___ Other (explain): ___

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) ___

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:
Gallons per minute (gpm) ___ Gallons per day (gpd) ___ Cubic feet per second (cfs) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2006													
2007													
2008													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:
Gallons ___ Million Gallons (MG) ___ Acre-feet (AF) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2006													
2007													
2008													

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation ___ acres; Stockwatering ___; Domestic ___;
Other (specify) _____

Parcel Number(s) of Place of Use: _____

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.) _____

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ___ NO ___
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year ___ (AF/MG) Year ___ (AF/MG) Year ___ (AF/MG)

BPC
AUG 06 2009

Reduction in consumptive use:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
I have data to support the above surface water use reductions due to the use of groundwater. YES _____ NO _____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 20, 2009 at Sacramento, CA, California

SIGNATURE: _____

PRINTED NAME: Elizabeth (first name) Bertilien (middle initial) Swart (last name)

COMPANY NAME: _____

ITEM _____ CONTINUATION _____
If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

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An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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